

## **REMARKS**

The Applicants thank the Examiner for her effort with regard to their invention and respectfully request reconsideration and allowance of Claims 1-21 in view of the amendments presented above and the following arguments.

## **AMENDMENT TO THE SPECIFICATION**

Applicants have corrected the typographical error the Examiner noted.

## **35 U.S.C. §112 REJECTION**

Claims 2, 4, 14, and 17 were rejected under 35 U.S.C. 112 as indefinite. Claims 2 and 14 have been amended to eliminate the reference to "element a)" and claims 4 and 17 have been amended to correct the incongruity presented originally. Now the claims appropriately identify that the interior opening includes a funnel section for funneling items to the exterior opening as disclosed and described in the application.

As a result, Applicants respectfully request that the objection to these claims on these grounds be withdrawn and the claims allowed.

## **37 CFR 1.75 OBJECTION**

Claim 7 was objected to for failing to further limit the independent claim from which it depends. Applicants have amended claim 7 so as to identify the edible item as an edible animal treat thereby further limiting the independent claim 1 from which it depends. Likewise, Applicants have similarly amended dependent claims 6 and 19.

As a result, Applicants respectfully request that the objection to these claims on these grounds be withdrawn and the claims allowed.

## **35 U.S.C. §102 (b) REJECTIONS**

Claims 1, 3, 7, 13, and 16 were rejected as anticipated by Nasser, US Patent 6,109,210 (Nasser).

Claims 1, 5-7, 9-13, 18 19 and 21 were rejected as anticipated by Wang, US Patent 6,073,581 (Wang).

## **35 U.S.C. §103 (a) REJECTIONS**

Claims 6 and 19 were rejected as obvious over Wang in view of Rucker, US patent 6,634,318 (Rucker).

Claims 8, 15 and 20 were rejected as obvious over Nasser in view of Maudlin et al. US Patent 5,813,366 (Maudlin).

### **STATUS OF THE CLAIMS**

Claims 22 and 23 have been withdrawn from consideration in accordance with the Examiner's Restriction Requirement.

Claims 1-21 remain pending in the application.

### **INDEPENDENT CLAIMS 1 AND 13 ARE NOT ANTICIPATED BY NASSER**

1. In pertinent part, the independent claims require an exterior form, with an outside and an inside, surrounding an interior form with a compartment. The exterior form includes at least one space for containing items on the inside of the exterior form and the compartment includes at least one space for containing items. Thus, the claims and the supporting specification clearly describe **two** separate spaces for containing items, one space 22 in the compartment created by the interior form 18 and one space 24 on the inside 16 of the exterior form 12. ( See eg Figures 1 and 3, and page 5, lines 12-20; page 8, lines 17-21 and page 9, lines 1-8). Page 9, beginning at line 9 clearly states, for example : "As also illustrated in Figure 3, the openings 28 in the interior form 18 may also be off center or misaligned one from the other **such that items 26 are allowed or enabled to leave compartment 20 and enter space 24 of exterior form 12** in an uneven distribution around the center of exterior form 12." (Bolding added) This feature of Applicants' invention is elsewhere described in the application as well. (See e.g. page 10, lines 12-20 and page 11, lines 1-2).

2. The Examiner has rejected Independent claims 1 and 13 as being described in, and therefore, anticipated by Nasser. Applicants respectfully disagree as follows.

Nasser describes only one compartment, hollow inner sphere 20 for receiving fish food. The outer sphere 22 and the inner sphere 20 are connected together at their apertures forming a seal there between which is watertight and airtight. The air trapped between the outer sphere 22 and inner sphere 20 ensures that the ball 18 stays afloat. (Column 3, lines 4-20).

Applicants, therefore, respectfully submit that the Nasser prior art does not disclose or suggest Applicants' two spaces for retaining items as claimed. As a result, Applicants submit that independent claims 1 and 13 and dependent claims 3, 7 and 16 are allowable.

#### **INDEPENDENT CLAIMS 1 AND 13 ARE NOT ANTICIPATED BY WANG**

1. Applicants incorporate the remarks made above with regard to independent claims 1 and 13 as equally applicable to Wang. In sum, Applicants' invention requires two spaces for containing items.

2. The Examiner fails to point to anything in Wang that discloses or suggests Applicants interior form 18 that includes a compartment 20 with a space 22 for containing items in addition to the space 24 on the inside 16 of exterior form 12.

All Wang discloses is an interior form that creates ribs 35, 36, 37, 46, 47, 48 in the form of slanting annular members along which dog food 6 is rotatably moved. (Column 2, lines 62-67 and Column 3, lines 1-3). Nowhere are the two spaces for retaining items as set forth in Applicants' claims and specification disclosed or described. The food in Wang simply rattles around the inside of the shell 1 until guided by the ribs to the only food exit, output port 27.

Applicants, therefore, respectfully submit that the Wang prior art does not disclose or suggest Applicants' two spaces for retaining items as claimed. As a result, Applicants submit that independent claims 1 and 13 along with dependent claims 5-7, 9-12, 18, 19 and 21 are allowable.

#### **DEPENDENT CLAIMS 6 AND 19 ARE NOT OBVIOUS IN VIEW OF THE CITED ART**

Applicants incorporate the remarks made above with regard to Wang. The Applicants respectfully submit that their invention as claimed is not taught by any of the art disclosed by the Examiner or known to the Applicants. Rucker is cited to add the feature of an edible end cap. Because Wang fails to disclose or suggest Applicants' invention a prima facie case of obviousness has not been made and independent claims 1 and 13, as well as dependent claims 6 and 19, are properly allowable. As a result, Applicants respectfully request reconsideration and allowance of dependent claims 6 and 19.

#### **DEPENDENT CLAIMS 8 AND 15 AND 20 ARE NOT OBVIOUS IN VIEW OF THE CITED ART**

Applicants incorporate the remarks made above with regard to Nasser. The Applicants respectfully submit that their invention as claimed is not taught or suggested by any of the art disclosed by the Examiner or known to the Applicants. Mauldin is cited to teach a sinuous raised edge. Applicants respectfully disagree that Mauldin teaches a ridge that is sinuous in any way. All the figures of Mauldin show a completely uniform NON-SINUOUS raised edge as opposed to the sinuous raised edge 40 of Applicants raised element 32. Nonetheless, because Nasser fails to disclose or suggest Applicants' invention as set forth in independent claims 1 and 13, dependent claims 8, 15 and 20 are properly allowable as well. As a result, Applicants respectfully request reconsideration and allowance of dependent claims 8, 15 and 20.

### CONCLUSION

For all of the above reasons, the Applicants respectfully request reconsideration and allowance of Claims 1-21.

This response is intended to be a complete response to the Office Action dated December 8, 2004. The proper extension fee is submitted herewith. No additional fee is believed due. If an additional fee is due, please charge such fee to Deposit Account No. 19-1453 ( Our file No. Triple Crown 102-1189). Should the Examiner have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,  
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Date: 14 APR 05

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